

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 17, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:39 p.m. Vice Mayor deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(09-457) Mayor Johnson announced that the Regular Agenda Items would be addressed before City Manager communications.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-458) Proclamation Encouraging Participation in the 2010 Census.

Mayor Johnson read and presented the proclamation to Monica Xu, Partnership Specialist, U.S. Census Bureau.

Ms. Xu provided a handout to Council; thanked the Council for the proclamation; introduced Wakili Bonner, Manager of San Leandro Census Local Census Office, and Partnership Assistants Paula Miller and Antoinette Porter.

CONSENT CALENDAR

Mayor Johnson announced that the Quarterly Sales Tax Report [paragraph no. 09-462] was removed from the Consent Calendar for discussion.

Councilmember Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember Tam seconded the motion, which carried by unanimous voice vote 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-459) Minutes of the Special and Regular Meetings held on November 3, 2009. Approved.

(*09-460) Ratified bills in the amount of \$2,435,478.11.

(*09-461) Recommendation to Accept the Quarterly Treasurer's Report for the Period Ending September 30, 2009. Accepted.

(09-462) Recommendation to Accept the Quarterly Sales Tax Report for the Period Ending June 30, 2009.

Vice Mayor deHaan inquired why taxable sales transactions decreased 21% from the same quarter in the prior fiscal year.

The Interim City Manager responded not every quarter has the same number of weeks; stated the decline is a trickle down of the recession; the last sales tax report was much better because the report reflected the Christmas holiday sales quarter.

Mayor Johnson inquired whether other jurisdiction comparisons could be provided in the future, to which the Interim City Manager responded in the affirmative.

In response to Councilmember Tam's inquiry, the Interim City Manager stated the City needs more aggressive business development; sales tax may not be performing well but property taxes are doing very well compared to other cities.

Councilmember Tam moved approval of the staff recommendation.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

(*09-463) Recommendation to Appropriate \$750,000 in State Water Resources Control Board Grant Funding and \$50,000 in Urban Runoff Funds, and Award a Contract in the Amount of \$549,450, Including Contingencies I to Power Engineering Contractors for the Installation of Mechanical Trash Racks at Stormwater Pump Stations, No. P.W. 08-09-23. Accepted.

(*09-464) Recommendation to Authorize the Replacement of Alameda Fire Department Command Vehicle through the State of California's Contract Bid Process and the Purchase of Ancillary Equipment, Total Cost Not to Exceed \$100,000. Accepted.

(*09-465) Resolution No. 14400, "Amending Resolution No. 9460 to Reflect Current Positions and Entities to be Included in the City of Alameda's Conflict of Interest Code and Rescinding

Resolution No. 14219." Adopted.

(*09-466) Ordinance No. 3011, "Amending Ordinance No. 2130, New Series, Updating the Civil Service System of the City of Alameda." Finally passed.

REGULAR AGENDA ITEMS

(09-467) Resolution No. 14401, "Appointing Kristy L. Perkins as a Member of the Library Board." Adopted.

Councilmember Matarrese moved adoption of the resolution.

Councilmember Tam seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath and presented Ms. Perkins with a certificate of appointment.

(09-468) Public Hearing to Consider a Call for Review of the Planning Board's Approval of a Use Permit for a Convenience Store Located at 1623 Park Street; and

(09-468B) Resolution No. 14402, "Upholding the Planning Board's Decision and Approve Use Permit Application No. PLN-09-0253 For a Convenience Store Located at 1623 Park Street." Adopted.

The Planning Services Manager gave a Power Point presentation.

Councilmember Gilmore requested that convenient store parking requirements be addressed; inquired whether there is a requirement for the particular size store.

The Planning Services Manager responded retail space requires one parking space per 200 square feet of floor area; however, because the building is an existing building, the provision is that an existing retail use is being replaced by another retail use and the on-site parking requirement is not triggered; the Zoning Code takes into consideration existing businesses within older buildings.

Mayor Johnson inquired whether something could be done regarding the awnings.

The Planner I responded staff would work with the Development Coordinator on the matter.

Vice Mayor deHaan inquired who requested the appeal, to which the Planning Services Manager responded the Planning Board's approval of the Use Permit was called for review by Councilmember Matarrese.

Councilmember Matarrese stated the matter was called for review for several reasons; that he reviewed the two findings made by the Planning Board; his first concern is that the business district has a substantial City investment in the theatre and parking structure a couple blocks down; questioned whether a convenience store is the best option; stated that he believes a convenience store would have a negative affect; the original application was for a convenience store specializing in the sale of cigarettes and tobacco products; the City would be burdened with policing the use; Oakland has a policing fee for such establishments; there is a liquor store down the street and another convenience store a block over; questioned whether the [retail] mix would be added to or something less than beneficial to the ambiance of the street would be proliferated.

Councilmember Tam inquired whether the application has been modified because staff has been working with the Applicant to reduce the sale of tobacco products in response to neighborhood concerns, to which the Supervising Planner responded in the affirmative.

Councilmember Tam stated neighboring convenient shop owners have concerns regarding potential competition; inquired whether the Planning Board's role is not to control business competition which is a market driven activity.

The Planning Services Manager responded the City does not have any guidelines with respect to amounts of particular businesses that can be located in an area; if the convenience store were over one building, the Use Permit would not be needed.

Councilmember Tam inquired how many years the building has been vacant, to which the Planner I responded four years.

Councilmember Tam inquired how long the other liquor and convenience stores have been in business, to which the Planner I responded a fairly long time.

Mayor Johnson inquired which condition is the restriction on the

amount of tobacco, to which the Supervising Planner responded Condition 11.

Vice Mayor deHaan inquired how many parking spaces would be required if the amount were not grandfathered in, to which the Supervising Planner responded five onsite parking spaces would be required.

Vice Mayor deHaan inquired whether the Applicant is proposing to sell 99¢ items.

The Supervising Planner responded the Applicant is using the description to help define products to be sold; not all items will be 99¢ or less.

Vice Mayor deHaan stated the name of the store, Better Trade Discounts, implies the same thing [sale of 99¢ items].

Mayor Johnson inquired whether the Applicant operates other stores, to which the Supervising Planner responded the Applicant operates a produce store in Oakland.

Mayor Johnson stated the City needs to know whether the store will be a convenience or discount store; opened the public portion of the hearing.

Proponents (In Favor of Call for Review): Paul Singh, Alameda; Marilyn Ezzy Ashcraft, Planning Board; and Ann Selchon.

Opponents (Not in Favor of Call for Review): George King; Robb Ratto, Park Street Business Association (PSBA).

Following Mr. King's comments, Vice Mayor deHaan inquired whether the three previous businesses were operated by the owner, to which Mr. King responded in the negative.

Following Mr. Ratto's comments Vice Mayor deHaan requested a comparison of another store that is approximately 1,100 square feet, to which Mr. Ratto stated the best example is Three Wishes.

Following Ms. Ezzy Ashcraft's comments, Mayor Johnson inquired what the Planning Board application said.

Ms. Ezzy Ashcraft responded the first application said smoke

shop, tobacco, and cigarettes; the application was pulled [from the Planning Board agenda]; when the application returned the second time, it said tobacco, cigarettes, candy, snacks, sodas, 99¢ items, and newspapers; the current application lists candy, soft drinks, tobacco, gift items, including cologne and perfumes, toilet accessories, grocery products, telephone cards, and 99¢ items; lighter fluid is listed as a hazardous materials involved in the operation; that she noticed bong pipes in the store.

Mayor Johnson inquired whether the Planning Board was still approving the application for a convenience store even though the amount of tobacco allowed in convenient stores was exceeded.

The Planning Services Manager responded in the affirmative; stated the findings indicated that the business would not have a negative impact on circulation and other uses within the neighborhood; stated the amount of tobacco does not exceed the amount allowed, but triggered the need for the Use Permit.

Vice Mayor deHaan stated Economic Development and Community Development made the determination that are different levels of stores; increased activity would come back for review.

The Planning Services Manager stated zoning regulations except existing buildings and businesses within the buildings from providing new parking spaces if there is a change in use; Economic Development, Public Works and Community Development are working at reevaluating parking requirements for the Park Street and Webster Street business districts; that he has received feedback and recommendations are to roll back parking requirements in the Zoning Code.

Vice Mayor deHaan inquired whether Community Development looked at retail balance; further inquired whether Economic Development would be the responsible department.

The Planning Services Manager responded Economic Development could help with the analysis; Community Development felt that the findings could be recommended to the Planning Board to support approval of the Use Permit.

Vice Mayor deHaan inquired whether the type of stores in the area are restricted, to which the Planning Services Manager responded in the affirmative.

Councilmember Gilmore inquired whether a Use Permit is required because of the store's proximity to residences, to which the Supervising Planner responded in the affirmative.

Councilmember Gilmore stated that she read the Planning Board minutes; the four members voting in favor of the application were very specific and vehement about the fact that they did not want to control the market; time and competition eventually win out.

The Planning Services Manager stated that he received the same sense.

Councilmember Tam inquired whether the sale of paraphernalia typically associated with the use of illegal products is prohibited, to which the Planning Services Manager responded in the affirmative.

Mayor Johnson inquired whether the Planning Board discussed drawing additional clientele to add to the mix of the business area.

The Planning Services Manager responded in the affirmative; stated Planning Board Member Ezzy Ashcraft had a concern with making said finding; other Planning Board Members felt that they could make the finding and approved the Use Permit

Councilmember Gilmore stated that she is sympathetic to adding mix of businesses; that she is troubled by the fact that the retail space is very small and has been vacant for four years; if a better, viable business could have been successful it would exist; in the past, small Park Street businesses could not afford to pay for rent increases and eventually left town; the public now enjoys the types of businesses; eventually better businesses will come, but it will take time.

Mayor Johnson inquired when paraphernalia items were observed in the store, to which the Supervising Planner responded before October 12.

Mayor Johnson suggested the matter be reviewed within three to six months; stated that she is concerned that there have been three different applications; perhaps the Applicant is tailoring the application to meet expectations; the business plan needs to

follow the application.

Vice Mayor deHaan stated that he concurs with Mayor Johnson; inquired what activities are above the store, to which the Supervising Planner responded residential units.

Vice Mayor deHaan inquired whether the upstairs could be used for other stores, to which the Planning Services Manager responded in the affirmative.

Councilmember Gilmore inquired whether changing the use from residential to some type of business would trigger City review.

The Planning Services Manager responded the City would want to ensure that egress and Building Code requirements are met, in addition to Fire Code requirements; stated parking would need to be reviewed.

Councilmember Gilmore inquired whether the change of use would trigger the parking requirements because the use would not be grandfathered in, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese stated the City has jurisdiction over this type of business and the zone in which it resides; there is always going to be somebody one foot over the line; inquired whether there will be protections for the rest of the district in which the business resides, to which the Planning Services Manager responded in the affirmative.

Councilmember Matarrese stated that he cannot support upholding the Planning Board's decision; the convenient store started out as something that he could never support and has migrated to something that might be palatable; that he would like to see if there is a use that does not require protection; convenient stores within 300 feet of residential buildings have protection because there are negative impacts; the reason the rest of the district is considered is because the finding has to work within the context of the district; that he would support of sending the matter back to staff to see if something could be worked out so that it is not a convenience store.

Mayor Johnson inquired what is the difference between a convenience store and a 99¢ store.

The Supervising Planner responded there is no distinction; stated staff considered this a convenience store to ensure protections would be in place and that the store would not evolve into something objectionable to the community.

Mayor Johnson inquired whether convenience store rules are strong enough to keep the store from evolving into a 99¢ store, to which the Planning Services Manager responded in the negative.

Mayor Johnson inquired what conditions could be put in place to ensure that the store does not become a 99¢ store.

Vice Mayor deHaan responded the square footage would never be there to run a 99¢ store; stated a good 99¢ store would require no less than 9,000 square feet.

Councilmember Gilmore moved approval of the staff recommendation with the change that the Planning Board review be in six months as opposed to a year.

Vice Mayor deHaan seconded the motion.

Under discussion, Councilmember Matarrese stated that he has concerns regarding staff having the burden of policing the establishment to ensure that conditions are met; future consideration should be given to how [staff monitoring] costs can be recovered.

On the call for the question, the motion carried by the following voice vote: Ayes: Councilmembers deHaan, Gilmore, Tam, and Mayor Johnson - 4. Noes: Councilmember Matarrese - 1.

Vice Mayor deHaan stated convenience store window coverage is an issue; that he would like the project to become a model of executing the current ordinance.

COUNCIL REFERRAL

(09-469) Consideration of Modifying the September 15 Council Direction regarding Measure WW Funding.

Councilmember Gilmore stated the Council Referral is a procedural matter; the issue is not up for a full debate tonight; at a previous meeting, Council directed staff to get

East Bay Regional Park District (EBRPD) Bond Counsel's opinion regarding Measure WW; since direction was given, staff was informed that EBRPD's Bond Counsel's opinion probably would not be forthcoming for quite a while; that she is requesting that the matter be placed on the next City Council agenda in order to have a full discussion and a decision made one way or another.

Speakers: Dorothy Freeman, Alameda; Joseph Woodard, Estuary Park Action Committee; Former Councilmember Barbara Kerr, Alameda; Reed Wetherill, Alameda; Debra Arbuckle, Northside Neighbors; Rosemary McNally, Alameda; Gretchen Lipow, Alameda; Michael John Torrey, Alameda; Rich Sherratt, Alameda Boys & Girls Club.

Councilmember Gilmore moved approval of placing the matter on the December 1 City Council agenda.

Councilmember Tam seconded the motion.

Under discussion, Councilmember Tam stated the procedural issues seems like a catch 22 that was created by Council relying on comments made by EBRPD management; EBRPD will not know whether the project is eligible until an application is submitted; an application cannot be submitted unless the project is on a list; irrespective of the merits of the project, it has to be discussed; having a full, substantive discussion on December 1 and getting the issue resolved one way or another before the end of the year is appropriate.

Mayor Johnson stated that she does not have a problem with bringing the matter back for discussion; that she would like staff to request that EBRPD to get an opinion from Bond Counsel.

Councilmember Matarrese inquired what is taking so long.

The Interim City Manager responded the EBRPD Assistant General Manager has indicated that Bond Counsel's opinion would not be forthcoming and that no opinion on the eligibility of project can be rendered by the District in whole or in part until a completed application is submitted; a determination would be made as the application goes through the process; a January answer should not be anticipated.

Mayor Johnson stated the request needs to be made; EBRPD representatives indicated to Council and the Boys & Girls Club that the project seems to meet Measure WW requirements.

Vice Mayor deHaan stated there is concern whether the project is legal.

The Interim City Manager stated that she would urge the Assistant General Manager and indicate Council's eagerness to receive Bond Counsel's opinion; that she does not want to leave anyone with the expectation that the opinion will be forthcoming until the application is completed.

Mayor Johnson stated EBRPD representatives need to let Council know if their position has changed and not in vague terms.

Councilmember Matarrese stated that he has no problem with calling the question; Council needs to make a decision; the question is not if Council can, but if Council should; that he wants EBRPD representatives to come back in person to answer questions.

Vice Mayor deHaan stated a wish list needs to be finalized, inquired whether the list is in order; stated Council needs to know what would be given up.

The Interim City Manager responded needs need to be revisited and revalidated; stated careful attention needs to be given to deferred maintenance; deferred maintenance projects are limited under Measure WW because projects are required to have a life of twenty-five years.

Vice Mayor deHaan stated Council needs to be armed with all information; inquired whether the list would be put together by December 1.

The Interim City Manager responded not if the process goes through the Recreation and Park Commission.

Councilmember Matarrese stated the list has been vetted twice in the last year by the Recreation and Park Commission; the list can be brought back at anytime for analysis; the question is whether to wait for a legal decision that he does not have any faith will come.

On the call for the question, the motion carried by unanimous voice vote - 5.

CITY MANAGER COMMUNICATIONS

(09-470) Fire Department Response Standards

The Fire Chief gave a Power Point presentation.

Councilmember Tam stated since the beginning of the year the City started rotating brownouts to save funds; a decision was made to close Station 5; inquired whether training has been compromised because of the brownouts as well as staffing issues.

The Fire Chief responded staff was challenged even before brownouts; any fire department is challenged to provide enough training; since the brownouts there is an affect, plus there was a reduction of one training director; crews are busier; the matter is more of a logistics issue, but has been managed quite well; a training calendar has been put together for the next two years.

Councilmember Tam stated team coordination comes with the number of drills; inquired what difference has been noticed since brownouts, specifically in the number of drills the Department is able to perform before and after.

The Fire Chief responded that he heard complaints that not enough drills were performed even before the brownouts, especially multi-company drills; staff still has the obligation to cover the City and provide services when in training; response times can be impacted during training.

Councilmember Tam inquired whether response times are impacted because there is not enough staff to cover the people who are in training.

The Fire Chief responded in order to have an effective joint: exercise, at least two or three companies are needed and response time could be delayed.

Councilmember Gilmore requested an explanation of why two trucks are needed since Alameda does not have any high-rise buildings.

The Fire Chief responded one reason is that trucks are dispersed throughout the community to improve response times and also to get enough resources to perform all tasks; the close proximity of buildings prohibits putting ladders between buildings;

ventilating roofs is important; two ladders are needed in order for firefighters to have another to egress when on a roof.

Councilmember Gilmore stated the answer she received was that the City has a lot of properties that are odd shapes and have deep lots; sometimes that [using a truck] is the only way to get to the back.

The Fire Chief stated sometimes access to the back is difficult.

Mayor Johnson stated more prevention should be done.

Councilmember Tam stated the ladder truck was critical at the Grand Street fire because of the set back from the street.

Vice Mayor deHaan stated a consultant questioned the value of the ladder truck; inquired why the consultant was so critical.

The Fire Chief responded some people may think that if water is being put on a fire, trucks are not as important; stated truck companies are usually the first to be cut because trucks are not as multi-versatile as engines.

The Fire Chief continued with the Emergency Medical Services (EMS) portion of the presentation.

Mayor Johnson stated response times would be quicker if each medical call were treated as a heart attack; however, the downside would be putting people at risk.

The Fire Chief stated the Fire Department puts a lot of stock in the process dispatch uses to evaluate calls.

Councilmember Matarrese stated decisions made on the scene are made by the dispatcher; inquired whether the City will have some say in dispatch center actions.

The Fire Chief responded in the negative; stated the system is certified and has been tested and evaluated millions of times.

Councilmember Matarrese stated there should be assurance that people answering the phones have been properly trained and qualified to make decisions.

Vice Mayor deHaan stated irreversible damage occurs within six

minutes in a cardiovascular event in most situations, the Fire Department will not be at the scene within said time.

The Fire Chief stated the Fire Department, at best, would just be arriving five and a half to six minutes into the call; patient outcome depends on the degree of arrest; if there is full arrest at mark zero and the Fire Department arrives at six minutes chances of survival are 50-50; survival would have deprivation.

Vice Mayor deHaan stated hopefully, said event does not happen often.

The Fire Chief stated statistic would be provided; the Fire Department needs to partner with the public; more public buildings are equipped with defibrillators; the public needs to be educated in cardiopulmonary resuscitation (CPR).

Councilmember Tam stated usually communities want to have neighborhood fire stations; inquired whether location is reflected in the response time for cardiovascular events or is just an average from any station.

The Fire Chief responded averaging is from stations; stated the earlier intervention, the better chance of survival; engines are often preserved and trucks are cut because 85% of calls are medical.

Councilmember Matarrese stated the average is meaningless by itself; the range is important.

The Fire Chief stated someone in full cardiac arrest for eight minutes could not be revived; the person could be saved with limited disability if the department arrives on the scene in four minutes; the longer past four minutes, there is more chance of disability if the person recovers; continued the presentation.

Vice Mayor deHaan inquired whether three engines would respond to a boat fire no matter what, to which the Fire Chief responded in the affirmative.

Councilmember Matarrese inquired what is the response to flooding.

The Fire Marshall responded a gas leak in a flooded basement would be treated as a natural gas leak which requires three engines, one truck, an ambulance and a Battalion Chief.

Mayor Johnson inquired whether there is a protocol for tube accidents.

The EMS Director responded stated the Posey Tube is a dangerous environment to have an accident; injuries are hard to detect; resources are used to secure access and get staff in to make a determination; both Alameda and Oakland respond to tube incidents.

Mayor Johnson inquired whether the new dispatch system would be able to determine whether injuries are involved.

The EMS Director responded it depends on the quality of the reporting party.

Mayor Johnson inquired whether people typically drive out of the tube [after accidents] and [are clear when] reporting stalled vehicles.

The EMS Director responded there is not a typical Posey Tube call.

Mayor Johnson stated the tube belongs to CalTrans; maybe CalTrans can give people instructions on what to do if there is an accident in the tube; that she noticed instructions on the freeway a couple of weeks ago.

The Fire Chief stated that he would make the suggestion to CalTrans; continued with the Measuring Performance portion of the presentation.

Councilmember Matarrese stated there have been seven months of brownouts in 2009; that he does not see a breakdown of the first four months and the last seven months; the best comparisons would be before and after; it is important to have previous years to show trends.

The Fire Chief stated data can be shown for any requested timeframe; staff looked at April 1 to October 31; brownouts started on January 26; the first few months were very eradicate; Station 5 closed on April 1; data for April 1 through October

31, 2009 is being compared to the same seven months in the prior three years.

Councilmember Matarrese stated the tables should be labeled accordingly.

The Fire Chief continued the presentation.

Councilmember Tam inquired whether it is fair to say that the Fire Department's ability to comply with the National Fire Protection Association (NFPA) standards for the months of April through October was a little over 70% of the time [previously] and in 2009, the yellow and red bar shows that the Department was out of compliance with the NFPA [standard] 90% time, to which the Fire Chief responded in the affirmative.

Vice Mayor deHaan stated District 5 is less than 10% [in compliance with NFPA standards]; inquired why the City selected the area.

The Fire Chief responded Station 5 was selected because of the low call volume.

Councilmember Matarrese stated statistics are pointers, not the total picture of assessing outcomes; performance was worse in 2006 than 2009 with the brownout situation; the matter begs all sorts of questions; that he wants to know impacts.

The Fire Chief stated monthly reports show the number of affected calls throughout the City; impacts are noted; fortunately, significant impacts have not occurred due to delayed response times.

Councilmember Tam stated the dice are being rolled by being out of compliance.

The Fire Chief stated studies were conducted by Citygate in 2004 and by the International City/Council Management Association (ICMA) this year; the data matched the City's data; the City was hitting the same response time back then and now; continued the presentation.

In response to Councilmember Matarrese's inquiry, the Fire Chief stated response times [in prior years] improved because of improved technology; response times this year dropped because of

Station 5 closure.

Councilmember Tam stated the brownout was the result of going from 27 down to 24 [mandatory] staffing [level]; inquired whether staff totaled 27 in 2008, 2007, 2006, to which the Fire Chief responded in the affirmative.

Councilmember Tam inquired why a four-year comparison was made for all districts and only two years for Station 5.

Deborah Keenan, Fire Department Statistician, responded the [Station 5] district data was only available for two years; data has been requested from the County, but has not been forthcoming at this point.

The Fire Chief stated significant impacts have not occurred because of the low volume of calls at Station 5; as the volume of calls increases, the chances of hitting a significant impact increases.

Vice Mayor deHaan inquired how districts are formed.

The Fire Marshall responded districts are divided by geographical locations; stated new technology will be implemented within the next twelve months that will dispatch the closest fire unit by travel distance.

Mayor Johnson inquired whether implementation could be done before twelve months.

The Fire Marshall responded technology is in place; stated the obstacle is programming.

The Fire Chief stated the Automatic Vehicle Location (AVL) would allow dispatch to identify where the call is and dispatch the unit closest to the call.

Mayor Johnson inquired who would implement the program, to which the Fire Chief responded Alameda County Communication Center.

The Fire Chief continued the presentation.

Mayor Johnson inquired whether there has been partial implementation of sprinkler requirements in the past.

The Fire Chief responded there have been significant changes in commercial sprinkler requirements; new residential and commercial construction both require sprinklers.

Mayor Johnson stated Alameda already requires sprinklers for new construction; perhaps requirements should be implemented for high-risk buildings even if the buildings are not new construction.

Councilmember Matarrese stated that he would like to see refining of data tracking, such as a month to month report card, to see what is significant and what is not; the costs of delivering medical service will increase due to the fact that many more people are at home now than in the past.

Vice Mayor deHaan thanked staff for the data; stated the data will continue to improve; mutual aid calls are a concern; data should be provided; community training is important; the Citizen Emergency Response Team (CERT) program is very worthwhile.

The Fire Chief stated Alameda was responding to Oakland a lot; a new policy was implemented last fall; Alameda does not respond to Oakland if the City [Alameda] has two or fewer ambulances; calls to Oakland have been cut by approximately 90%; Alameda uses mutual aid more than Oakland.

Councilmember Gilmore inquired whether American Medical Response (AMR) responding to an Alameda call is not included in the EMS response times, to which the Fire Chief responded in the affirmative.

Councilmember Tam stated the presentation tonight grew out of exhaustive budget discussions; inquired what is the role of staffing in terms of providing adequate coverage and meeting response times.

The Fire Chief responded an analysis would need to be done regarding how many additional companies would be needed to achieve the standard.

Councilmember Tam stated staff needs to try very hard to meet the standard.

The Fire Chief stated staff is reviewing things that can be done within the budget.

Councilmember Tam stated the Fire Department would not be able to get accreditation with the current response times.

The Fire Chief stated a process would be needed to determine how accreditation could be accomplished.

Mayor Johnson inquired what percentage of transports go outside of Alameda, to which the Fire Chief responded approximately half.

Mayor Johnson stated outside transports put people at risk.

The Fire Chief stated staff is evaluating other ways to deliver patients off the Island.

Councilmember Matarrese stated the problem is geographical; the City has walked up to the edge and needs to see how solid is the edge; the City has been fortunate that there have not been any significant impacts.

Mayor Johnson requested a breakdown of emergency and non-emergency calls.

* * *

(09-471) Councilmember Matarrese moved approval of continuing the meeting past midnight.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5.

* * *

Councilmember Gilmore thanked staff for the detailed report; stated Council is vitally interested in the issue; data is important; Council's decisions are only as good as the data provided; the data is presented in a very understandable manner.

Vice Mayor deHaan inquired whether other fire departments are performing data collection, to which the Fire Chief responded data collection is performed to a certain extent.

(09-472) Update on Councilmember Tam's Referral: Sunshine Community Task Force

The Interim City Manager gave a brief presentation.

Councilmember Matarrese stated that sunshine ordinance move forward and he would like to see a through the Community Task Force route.

Councilmember Tam stated that she concurs that the matter should go through a Community Task Force effort rather than spending time second guessing whether a lobby registry would be needed as part of a ordinance; the matter may not be a priority for the community; the community may see a bigger focus on trying to improve the rating on accessibility of the Public Records Act; hopefully, the issue will be more community driven, rather than staff driven.

Mayor Johnson stated Council should decide on components regardless of whether the issue is community or staff driven; the lobbying registry is something that would be very valuable to the entire community.

Councilmember Gilmore stated the Planning Board has tackled the noticing guidelines on more than one occasion; the radius changes depending upon the type of project; staff should start where the Planning Board left off; the Planning Board has an email interest list for large community interest projects; that she does not know whether there is some mechanism to notice people by email; email notification would cut down on costs.

Vice Mayor deHaan stated some issues noted in the staff report could be extracted; better understanding what the public needs would be a good idea.

Mayor Johnson stated Council could provide input to staff; staff could develop a draft and then workshops could be held; having a Task Force start at the very beginning is very time consuming; that she would like to include campaign contribution limits, ethic and confidential information components, including compliance with the Brown Act, and requirements for Councilmembers, Board Members, and Commissioners to comply with the Charter.

Councilmember Matarrese stated a Task Force would not bog down the process; the framework has already been completed; not having an end date bogs the process down.

Councilmember Gilmore stated that she concurs with Councilmember

Matarrese; there are lots of reasons to have the matter be community driven; the biggest reason is that the public interacts with City Hall; the public complains whether or not the City is transparent; the public is in a unique position to advise the City about what is important to them.

Mayor Johnson stated staff should provide a starting place.

The Interim City Manager stated the wheel should not be reinvented; the question is whether the Task Force would provide feedback on what to include or whether the Task Force would be working Task Force.

Mayor Johnson stated the public should provide input on what should be included.

Councilmember Matarrese stated the process should be very quick; the list would be framed.

Vice Mayor deHaan stated staff would be tasked with putting parameters together.

Mayor Johnson stated guidelines should be provided regarding how to deal with labor negotiations.

The Interim City Manager stated staff would come back with some type of construct.

Councilmember Tam stated the referral suggested having a representative from the League of Women Voters serve as the facilitator, in addition to one member being appointed by each Councilmember; that she has a problem with community members saying that the City has some secret plan for Alameda Point and she does not know the secret.

Councilmember Gilmore stated having a League of Women Voters facilitator is a good idea.

Councilmember Matarrese stated the most important thing is establishing an end date.

Councilmember Gilmore stated the Task Force would not be preparing documents, just issue spotting; the list would be brought back to Council.

The Interim City Manager stated staff would come back at the December 15 Council meeting; each Councilmember should submit someone to nominate for appointment.

ORAL COMMUNICATIONS, NON-AGENDA

(09-473) Dave Duffin, Alameda, submitted a video; discussed recent filming activities in the City.

(09-474) Nancy Rogers, Protect the Point Committee, requested the letter assigned to the SunCal Initiative be changed.

Mayor Johnson stated the City is working on changing the letter.

COUNCIL COMMUNICATIONS

(09-475) Consideration of Mayor's Nominations for Appointment to the Commission on Disability Issues, Housing Commission, and Youth Advisory Commission.

Mayor Johnson nominated Ethel Warren for the Commission on Disability Issues; Clifton J. Smith for the Housing Commission; and Samantha J. Chin for the Youth Advisory Commission.

ADJOURNMENT

(09-476) There being no further business, Mayor Johnson adjourned the Regular Meeting in memory of Dr. Alan Mitchell at 12:26 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -NOVEMBER 17, 2009- -6:50 P.M.

Mayor Johnson convened the Special Meeting at 7:00 p.m.

ROLL CALL - Present: Councilmembers deHaan,
Gilmore, Matarrese, Tam, and Mayor
Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-455) Conference with Legal Counsel - Anticipated Litigation;
Significant exposure to litigation pursuant to subdivision (b)
of Section 54956.9; Number of cases: One; Under negotiation:
Price and terms.

(09-456) Conference with Legal Counsel - Liability Claim
(54956.95); Claimant: Mohamed Mahama; Agency Claimed Against:
City of Alameda.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Anticipated
Litigation, Council received a briefing from Legal Counsel on a
matter of potential litigation; no action was taken; regarding
Liability Claim, Council discussed the claim with Legal Counsel
and provided direction.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the
Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -NOVEMBER 17, 2009- -7:31 P.M.

Mayor/Chair Johnson convened the Joint Meeting at 12:27 a.m.

ROLL CALL - Present: Councilmembers / Commissioner deHaan,
Gilmore, Matarrese, Tam and Mayor/Chair
Johnson - 5.

Absent: None.

MINUTES

(09-477 CC/09-52 CIC) Minutes of the Special Joint City Council and CIC Meeting held on November 3, 2009 and the Special CIC Meeting held on November 4, 2009.

Vice Mayor/Commissioner deHaan moved approval of the minutes.

Councilmember/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

REGULAR AGENDA ITEM

(09-478 CC) Public Hearing to Consider Introduction of Ordinance Amending Municipal Code by Adding Subsection 30-17 (Density Bonus Regulations) to Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) to Allow Density Bonus Units and Incentives or Concessions to Developers that Voluntarily Provide for Affordable Housing Units as an Element of Their Residential Development Project. Amended and introduced; and

(09-53 CIC) Resolution No. 09-163, "Amending Resolution No. 04-127 to Reduce the Inclusionary Unit Requirement Policy for Residential Developments in the Business and Waterfront and West End Community Improvement Project Areas from at Least 25% to at Least 15%." Adopted.

The Planning Services Manager gave a brief presentation.

Councilmember/Commissioner Tam inquired whether reducing the inclusionary unit requirement from 25% to 15% would provide longer term affordable housing.

The Planning Services Manager responded the reduction would not provide longer term housing but would make the inclusionary housing requirement within the City consistent; stated applying the 25% inclusionary requirement would automatically entitle applicants to the density bonus requirements plus concessions, incentives, and waivers; staff did not want density bonus concessions and waivers to be automatically triggered; by rolling the percentage back to 15%, the applicant would have to make more affordable units within the development.

In response to Councilmember/Commissioner Tam's inquiry, the Supervising Planner responded any inclusionary housing units count towards the density bonus units; staff does not want to create a situation where someone would automatically be entitled to a density bonus plus concessions and waivers.

Mayor/Chair Johnson stated that she likes the idea of caps; perhaps the Planning Board should be requested to look at particular items.

Vice Mayor/Commissioner deHaan stated one item would be open space; visuals should be provided in order to show what projects would actually entail.

The Planning Services Manager stated visuals could be provided.

Mayor/Chair Johnson opened the public portion of the hearing.

Proponents (In favor of ordinance): Robb Ratto, Park Street Business Association (PSBA); Christopher Buckley, Alameda Architectural Preservation Society; Jamie Keating, Trailhead Ventures, LLC.

There being no further speakers, Mayor/Chair Johnson closed the public portion of the hearing.

Councilmember/Commissioner Matarrese stated that he would like to send the ordinance back [to the Planning Board]; the two most important points are: 1) separating pure residential from other projects; 2) setback and height caps cannot be arbitrary or non-technical; Fire Department pictures show the hazard that could be used as the rationale for setting a cap; if the ordinance is sent back to the Planning Board, it should be time critical so that the process can be finished.

The Planning Services Manager stated the ordinance would return to the Council no later than the first meeting in February; the desire seems to be to apply caps and limits on concessions and incentives to residential properties and not mixed used commercial properties; questioned whether the Council/Commission would move forward on an ordinance tonight with language added to Section 30-17.9 that states: "for commercially zoned or mixed use properties;" stated the Planning Board would review residential properties and staff would come back with an amendment to the density bonus regulations.

Councilmember/Commissioner Tam stated the northern waterfront project included height limits; inquired how height limits would be reconciled if the density bonus ordinance includes height limits.

The Planning Services Manager responded specific plan or planned development amendments would be required for modifications to projects with adopted regulations for specific sites.

Mayor/Chair Johnson stated requirements for fire access should be reviewed if backyards are developed; that she is not sure if a fire truck could access the backyard of the monster house on Briggs Avenue.

The Interim City Manager/Executive Director stated staff has some thoughts regarding the issue.

Councilmember/Commissioner Gilmore inquired whether any new buildings are required to have sprinklers, to which the Planning Services Manager responded in the affirmative.

Councilmember/Commissioner Matarrese stated residential caps should be technical, not arbitrary.

Councilmember/Commissioner Tam moved introduction of the ordinance with the suggested modification on page 13.

Councilmember/Commissioner Gilmore seconded the motion.

Under discussion, Mayor/Chair Johnson clarified that the residential portion would go back to the Planning Board.

On the call for the question, the motion carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Joint Meeting at 12:50 a.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, CIC

Agenda for meeting was posted in accordance with the Brown Act.